

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

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SYMBIONT SCIENCE ENGINEERING AND  
CONSTRUCTION, INC.; ZURICH COMPANY  
a/s/o Symbiont Science, Engineering and Construction, Inc.;

Case No.:  
3:22-cv-04905-MAS-LHG

AMERICAN GUARANTY AND LIABILITY  
INSURANCE COMPANY a/s/o Symbiont Science  
Engineering and Construction, Inc.; and STEADFAST  
INSURANCE COMPANY a/s/o Symbiont  
Science Engineering and Construction, Inc.,

Plaintiffs,  
vs.

GROUND IMPROVEMENT SERVICES, INC.;  
JOHN DOES 1-10, (fictitious parties) and ABC C  
OMPANIES 1-10 (fictitious parties); GEO-  
STRUCTURES OF VIRGINIA, INC., Defendants,  
GROUND IMPROVEMENT SERVICES, INC.  
and GEOSTRUCTURES OF VIRGINIA, INC.,

Third-Party Plaintiffs,  
vs.

GEOPIER FOUNDATION COMPANY, Inc. and  
GZA GEOENVIRONMENTAL, INC.

Third-Party Defendants.

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**AFFIRMATION IN SUPPORT OF MOTION TO DISMISS**

**STEPHEN F. WILLIG**, an attorney duly admitted to practice law before this Court,  
affirms the following to be true under the penalties of perjury and states:

1. I am a partner of Donovan Hatem LLP, attorneys for the Third-Party Defendant  
GZA GeoEnvironmental, Inc. ("GZA").

2. I respectfully submit this Affirmation in support of GZA's Motion, pursuant to FRCP 12(b)(6), to dismiss the Third-Party Complaint and the Plaintiffs' Rule 14(a)(3) Complaint on the basis that such fail to state a cause of action against GZA.

3. Attached hereto as Exhibit A is a true and correct copy of the Third-Party Complaint against GZA (Docket Number 31) which is the subject of this Motion.

4. Attached hereto as Exhibit B is a true and correct copy of the Plaintiffs' Rule 14(a)(3) Complaint against Geopier Foundation Company, Inc., and GZA (Docket Number 36) which is also the subject of this Motion


5. Attached hereto as Exhibit C is a true and correct copy of the Court's January 6, 2023 Order ((Docket Number 52) extending to January 20 GZA's time to respond to the Third-Party Complaint and the Rule 14 (a)(3) Complaint.

6. A proposed Order granting the Motion is annexed as Exhibit D.

7. The argument in support of dismissal of the Third-Party Complaint and Complaint is set forth in the accompanying Memorandum of Law, and the Court is respectfully referred to that document.

**WHEREFORE**, based on the foregoing, it is respectfully requested that the Motion to Dismiss the Third-Party Complaint and Complaint as to GZA be granted in its entirety, and there be an award of such other and further relief as this Court deems just.

Dated: New York, New York  
January 20, 2023

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Stephen F. Willig